

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:22-cv-191-MOC-DCK

KANAUTICA ZAYRE-BROWN,)
vs. Plaintiff,) ORDER
NORTH CAROLINA DEPARTMENT OF)
PUBLIC SAFETY, et al.,)
Defendants.)

THIS MATTER is before the Court on Defendants' motion for extension of time. (Doc. No. 105).

Previously, the Court denied the parties' cross-motions for summary judgment without prejudice pending the resolution of two genuine disputes of material fact. (Doc. No. 92 at 7). The Court scheduled an evidentiary hearing for the parties to address those issues. In its order denying summary judgment, the Court indicated that it would permit the parties to renew their summary judgment motions following the evidentiary hearing. (*Id.* at 8).

The evidentiary hearing occurred on February 20, 2024. After the close of the hearing, counsel for Plaintiff asked the Court about a timeline for renewing summary judgment motions. In response, the Court indicated that it would provide the parties with further instructions in a subsequent order. (Doc. No. 105). Plaintiff's counsel, however, "did not understand the Court's off-record comments to mean that a briefing order would be forthcoming." (Doc. No. 106). This entire exchange transpired off the record.

On February 29, 2024, Plaintiff filed their renewed motion for summary judgment. (Doc. No. 102). Defendants now move for an extension of time to respond to Plaintiff's motion and

indicate Defendants' desire to renew their own summary judgment motion. (Doc. No. 105).

Plaintiffs object to "any extension of time that would significantly delay the Court's resolution of her request for injunctive relief that the parties have been litigating for nearly two years." (Doc. No. 106).

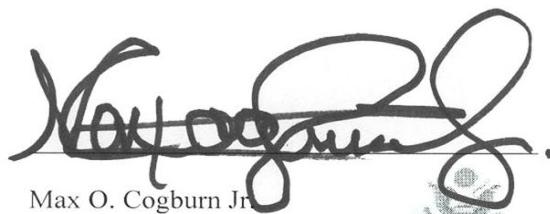
The Court is already preparing an order that will address the evidence presented at the February hearing. Nonetheless, the Court will permit the parties to renew their summary judgment motions on an expedited briefing schedule. The parties' motions should focus on testimony given at the February 20, 2024 hearing.

The Court therefore **ORDERS** the following briefing schedule:

Defendants' response to Plaintiff's renewed summary judgment motion will be due 10 days from the entry of this order. Defendants' response will be no more than 10 double-spaced pages. Plaintiff's reply will be due 5 days from Defendants' response, and Plaintiff's reply will be no more than 5 double-spaced pages.

Defendants' renewed summary judgment motion will be due 15 days from the entry of this order. Defendants' motion will be no more than 16 double-spaced pages. Plaintiff's response will be due 10 days from the filing of Defendants' renewed summary judgment motion and will be no more than 10 double-spaced pages. Defendants' reply will be due 5 days from Plaintiff's response, and Defendants' reply will be no more than 5 double-spaced pages.

SO ORDERED.



Max O. Cogburn Jr.
United States District Judge